

**STATE OF NEW MEXICO  
BEFORE THE WATER QUALITY CONTROL COMMISSION**



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**In the Matter of:**

\_\_\_\_\_  
**PROPOSED AMENDMENT  
TO 20.6.2 NMAC**  
\_\_\_\_\_

**WQCC No. 09-13(R)**

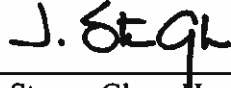
**ORDER ON NMED'S OBJECTION TO DR. AUVERMANN'S  
PRE-FILED DIRECT TESTIMONY**

THIS MATTER comes before the Hearing Officer upon NMED's oral objections to portions of Dr. Auvermann's pre-filed direct testimony (DIGCE Exhibit 4). *See* Tr. 1858:10 – 1868:18. The Hearing Officer hereby finds that:

1. Paragraph 3 of Dr. Auvermann's pre-filed direct testimony contains statements regarding recommendations made by Dr. Auvermann during stakeholder negotiations.
2. The parties previously agreed not to use "offers, proposals or statements made during the stakeholder negotiations" as evidence in future hearings. *See* DIGCE's Motion to Strike (April 6, 2010), Exhibit 1.
3. Therefore, the final four sentences of Paragraph 3 of Dr. Auvermann's pre-filed direct testimony, starting with: "I recommended ..." are hereby stricken from the record.

IT IS SO ORDERED

DATED this 20<sup>th</sup> day of July, 2010.



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J. Steven Glass, Hearing Officer  
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